MACOMB TOWNSHIP BOARD OF TRUSTEES MEETING MINUTES AND PUBLIC HEARING WEDNESDAY, MAY 10, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE

JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant

(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and Item 17 was tabled at the petitioner's request to June 14, 2006, Items 29A. and 29B were added and Item 35 was added to the Executive Session.

MOTION by BUCCI seconded by MALBURG to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3.

Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by KRZEMINSKI seconded by DUNN to approve both bill runs as presented. MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on April 26, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by NEVERS to approve the minutes of the meeting of as presented.

MOTION carried.

5. Consent Agenda Items:

A. Clerk's Department:

- 1. Request for Release of Landscape Bond; Elan Estates Subdivision; John Cavaliere, Petitioner. Permanent Parcel No. 08-14-100-003
- 2. Request for Release of Monuments & Irons Bond; Elan Estates Subdivision; John Cavaliere, Petitioner. Permanent Parcel No. 08-14-100-003
- 3. Request for Release of Wall Sign Bond; American Dry Cleaners; Joe Shock, Petitioner; Permanent Parcel No. 08-23-100-029.
- 4. Request for Release of Wall Sign Bond; Tantalizing Blooms; Kim Ivone & Pam Komer, Petitioner. Permanent Parcel No. 08-29-352-025
- 5. Request for Release of Wall Sign Bond; JNS Nails Salon; Thanh Nyuyen, Petitioner. Permanent Parcel No. 08-36-377-009.
- 6. Ground Sign Bond Return; Rauhorn Electric; Del Rau, Petitioner; Permanent Parcel No. 08-17-300-002

B. Water and Sewer Department:

- 1. Easement Encroachment Agreement; Donald C. and Diana C. Boza, 50912 Middle River Drive, Lot 112, Middle River Estates Subdivision.
- 2. **Easement Encroachment Agreement**; Luther M. and Lois J. Hall, 45408 Angie Drive, Lot 23, Urban Meadows Subdivision.
- 3. **Easement Encroachment Agreement**; Donald J. and Peggy J. Accardo, 21985 Wilshire Drive, Unit 54, Fairways East.
- 4. **Easement Encroachment Agreement**; Melissa A. Campeau, 49571 Yale Drive, Lot 102, Field Stone Subdivision.
- 5. **Easement Encroachment Agreement**; Jovan and Gordana Isakovic, 55014 Timberland, Lot 31, The Rivers Subdivision.

- 6. Easement Encroachment Agreement; Dean R. and Gail L. Raciti, 47695 Woodberry Estates Drive, Unit 83, Woodberry Estates Condos.
- C. Department Monthly Reports:
 - 1. Building Department
 - 2. Fire Department
 - 3. Macomb County Sheriffs Department
 - 4. Parks and Recreation Department
 - 5. Water/Sewer Department

MOTION by BUCCI seconded by KOEHS to approve the consent agenda as prepared.

MOTION carried.

6. **Public Comments -** (3 minute time limit)

Mr. William Franchy addressed the Board regarding his concerns with the Single Waste hauler issue. He was advised to contact the Supervisor's office with the specific information he had.

Mr. William Weig, 55580 Romeo Plank Road, addressed the Board regarding the condition of the undeveloped portion of the old Wolverine golf Course property. He indicated that the land was being used by dirt bikes, ORV's and others, and that the buildings were being trespassed into, and the area was being used as a dump. He was advised that the Building Official would be notified and the appropriate action taken.

PUBLIC HEARINGS

7. Request to Create Street Lighting SAD; Golfview Estates; Located on the east side of North Avenue, approximately ½ mile north of 21 Mile Road. Permanent Parcel No. 08-25-301-001.

Mr. Brennan reviewed the conditions of the proposed SAD, stated his support and indicated that there would be no cost to the Township for this project.

MOTION by DUNN seconded by BUCCI to approve the Special Assessment District for Street Lighting for Golfview Farms, Permanent Parcel No. 08-25-301-001.

Ayes: DUNN, BUCCI, NEVERS, KRZEMINSKI, MALBURG, KOEHS and BRENNAN

MOTION carried, resolution declared adopted...

8. Request to Create Street Lighting SAD; West Park Estates; Located on the north side of 25 Mile Road, just east of Luchtman Road. Permanent Parcel No. 08-04-300-005.

Mr. Brennan reviewed the conditions of the proposed SAD, stated his support and indicated that there would be no cost to the Township for this project.

MOTION by DUNN seconded by MALBURG to approve the Special Assessment District for Street Lighting for West Park Estates, Permanent Parcel No. 08-04-300-005.

Ayes: DUNN, MALBURG, NEVERS, KRZEMINSKI, BUCCI, KOEHS and BRENNAN

MOTION carried, resolution declared adopted.

PLANNING AND ZONING

9. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-012. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, indicated that this item and items 10 through 16, were proposed for rezoning by Macomb Township in order to bring them into compliance with our Master Plan, and to prevent the existence of spot zoning. While items 9 through 16 concern separate parcels, the reason for their proposed rezoning is the same in each instance.

Mr. Scott Bruglio, the owner of the parcels in items 9 and 10 was present with his attorney, Mr. Benjamin Aloia. Mr. Aloia wanted to inform the Board that he felt that his client did not receive adequate notice when the property was considered by the Planning Commission and he could not put his objections on the record, and that it was his (Mr. Aloia's) opinion that this practice of the Board rezoning property was not legal.

Mr. Lawrence Dloski, Township Legal Counsel, advised Mr. Aloia that the Planning Commission was a recommending body, and that if Mr. Aloia wanted to

put something on the record, he should address those concerns to the Board of Trustees now. He also informed Mr. Aloia that the State law specifically permits and allows the Township Board to initiate rezonings on property in the township.

MOTION by KRZEMINSKI seconded by NEVERS to rezone Permanent Parcel Number 08-05-100-012 from Agricultural (AG) to One-Family Urban Residential (R1).

MOTION carried.

10. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-013. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

(See Item 9 above for detailed information)

MOTION by KRZEMINSKI seconded by NEVERS to rezone Permanent Parcel Number 08-05-100-013 from Agricultural (AG) to One-Family Urban Residential (R1).

MOTION carried.

11. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, 305 feet south of 26 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-022. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to rezone Permanent Parcel Number 08-05-100-022 from Agricultural (AG) to One-Family Urban Residential (R1).

12. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-200-001. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to rezone Permanent Parcel Number 08-05-200-001 from Agricultural (AG) to One-Family Urban Residential (R1).

MOTION carried.

13. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-301-003. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to rezone Permanent Parcel Number 08-05-301-003 from Agricultural (AG) to One-Family Urban Residential (R1).

MOTION carried.

14. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-001. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to rezone Permanent Parcel Number 08-05-302-001 from Agricultural (AG) to One-Family Urban Residential (R1).

15. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-004. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to rezone Permanent Parcel Number 08-05-302-004 from Agricultural (AG) to One-Family Urban Residential (R1).

MOTION carried.

16. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-005. (Tabled from April 26, 2006)

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to rezone Permanent Parcel Number 08-05-302-005 from Agricultural (AG) to One-Family Urban Residential (R1).

MOTION carried.

17. Final Preliminary Plat; Stoneridge Subdivision; 106 lots; located on the east side of Fairchild Road ¼ mile north of 21 Mile Road; Stoneridge Development, Petitioner; Section 25, Permanent Parcel Number 08-25-427-009. (Tabled from April 26, 2006)

(This item was tabled at the petitioner's request to June 14, 2006)

18. Request for payback agreement for sewer installation on Card Road; Little Turtle Preschool; Chippewa Valley Schools. (Tabled from April 26, 2006)

Mr. James VanTiflin, Consulting Engineer, reviewed this item and explained to the Board why it was necessary. This agreement will allow the sewers to be constructed and fees will be collected as the property owners connect to the service. Mr. VanTiflin stated his recommendation for approval of this item.

MOTION by KRZEMINSKI seconded by BUCCI to approve the payback agreement for the sewer installation on Card Road for the Little Turtle Preschool, as recommended by the Consulting Engineer.

AYES: KRZEMINSKI, BUCCI, NEVERS, DUNN, MALBURG, KOEHS,

BRENNAN

NAYS: NONE

MOTION carried.

19. Request for an Engineering Variance for Road Width and Surface Type; Partridge Temporary Substation; Located on the northwest corner of Hall Road and Garfield Road; Detroit Edison, Petitioner; Section 32, Permanent Parcel No. 08-32-300-018.

Mr. James VanTiflin, Consulting Engineer, reviewed this item and stated his recommendation for approval.

Mr. Mick Blunden, a consultant for the petitioner, was also present to answer any questions from the Board.

MOTION by KOEHS seconded by KRZEMINSKI to approve the engineering variance for the road width and surface type and recommended by the Consulting Engineer.

AYES: KOEHS, KRZEMINSKI, BUCCI, MALBURG, DUNN, NEVERS,

BRENNAN

NAYS: NONE

MOTION carried.

20. Request to Change Model Permit from Lot 2 to Lot 9; Chelsea Court Subdivision; Located on the south side of 22 Mile Road, approximately ½ mile east of Romeo Plank Road; Rino Palazzolo, Petitioner. Permanent Parcel No. 08-28-200-025.

Mr. Brennan reviewed this matter and indicated that the final plat for this subdivision has already been approved.

MOTION by KRZEMINSKI seconded by BUCCI to deny this request because the final plat for this subdivision was approved in December of 2005.

MOTION carried.

21. Final Plat; Elan Estates; Located on the south side of 24 Mile Road, ¼ mile east of Card Road; Cavaliere Companies, Petitioner; Permanent Parcel No. 08-14-100-003.

Mr. Jerome Schmeiser, Community Planning Consultants, reviewed the rezoning request and stated his and the Planning Commissions recommendation for approval.

MOTION by DUNN seconded by BUCCI to approve the final plat for Elan Estates Subdivision and direct the Clerk to Sign the mylar.

MOTION carried.

OLD BUSINESS

22. New Haven School District Sewer Service Feasibility Study; Spalding, DeDecker Associates, NO. MA05-023.

Mr. James VanTiflin, Consulting Engineer, reviewed this item and explained to the Board the results of his study. The study revealed that the best connections for the proposed school complex would be to bring the sewer connection in from Broughton Road, and to bring the water connection in from Foss Road to Card Road and up to the site. Mr. VanTiflin stated his recommendation for approval of this study proposal.

MOTION by KOEHS seconded by KRZEMINSKI to approve the water and sewer connections to the New Haven School site on 26 Mile Road as recommended by the Consulting Engineers subject to the approval of an intergovernmental agreement regarding this matter.

AYES: KOEHS, KRZEMINSKI, NEVERS, DUNN, BUCCI, MALBURG,

BRENNAN.

NAYS: NONE

MOTION carried.

HUMAN RESOURCES DEPARTMENT

23. Request for Electrical Repairs & Maintenance; Township Hall Building

Mr. John Brogowicz, Human Resource Director, reviewed this item and explained to the Board what the repairs and maintenance program entailed.

MOTION by DUNN seconded by NEVERS to approve the electrical repairs and maintenance program as proposed by the Human Resource Director and award the project to Lite Electric Company for thirteen thousand nine hundred seventy five dollars, (\$13,975.00).

MOTION carried.

24. Request to Hire Broadcast Media Access Producer/Writer

Mr. John Brogowicz, Human Resource Director, reviewed this item and explained to the Board the interview process and the results of the interviews. Mr. Brogowicz also reviewed the candidates qualifications and recommended the hiring of Martin Arakelian as the Broadcast Media Access Producer/Writer.

MOTION by KOEHS seconded by DUNN to hire Martin Arakelian in the position of Broadcast Media Access Producer/Writer, as recommended by the Human Resource Director.

MOTION carried.

WATER AND SEWER DEPARTMENT

25. Change Order # 1, 26 Mile Road Water Main (Glenn Eden East Lutheran Cemetery, east 1,224 feet) MA03-030, Macomb Pipeline & Utilities Company.

Mr. David Koss, Water and Sewer Superintendent, reviewed this project and explained to the Board the circumstances that required this change order.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Change Order # 1 for the 26 Mile Road Water Main by Glenn Eden Cemetery, MA03-030, in the amount of forty thousand two hundred dollars (\$40,200.00), as recommended by the Water and Sewer Superintendent.

MOTION carried.

26. Pay Certificate # 2, 26 Mile Road Water Main (Glenn Eden East Lutheran Cemetery, east 1,224 feet) MA03-030, Macomb Pipeline & Utilities Company.

Mr. David Koss, Water and Sewer Superintendent, reviewed this project and stated his recommendation for approval at this time.

MOTION by KRZEMINSKI seconded by BUCCI to approve the payment of Pay Certificate #2 for the 26 Mile Road Water Main by Glenn Eden Cemetery, MA03-030, in the amount of ninety eight thousand six hundred forty dollars and twenty five cents (\$98,640.25).

MOTION carried.

27. Adoption of Abbreviated Stormwater Pollution Prevention Initiative.

Mr. David Koss, Water and Sewer Superintendent, reviewed this project and explained this requirement from the Michigan Department of Environmental Quality. He also stated his recommendation for approval at this time.

MOTION by DUNN seconded by MALBURG to adopt the Abbreviated Stormwater Pollution Prevention Initiative as recommended by the Water and Sewer Superintendent.

MOTION carried.

28. Purchase Requisitions:

A. Hesco

Mr. David Koss, Water and Sewer Superintendent, reviewed this item for a refurbished 16 inch pressure valve and stated his recommendation for approval at this time.

MOTION by BUCCI seconded by KRZEMINSKI to approve the payment of this purchase requisition in the amount of five thousand six hundred fifty dollars, (\$5,650.00).

MOTION carried.

B. SLC Meter Service

Mr. David Koss, Water and Sewer Superintendent, reviewed this item for 300 Wall MIU Assemblies and stated his recommendation for approval at this time.

MOTION by BUCCI seconded by KRZEMINSKI to approve the payment of this purchase requisition in the amount of twenty four thousand dollars, (\$24,000.00).

BOARD COMMENTS

- 29. Supervisor's Comments:
 - A. Request to Hire Part Time Accountant.

Supervisor Brennan indicated that Stacy VanReyendam, Finance Manager, is expecting a child and will be beginning a maternity leave shortly. He stated that he has located a person who is available on a part time basis, one to three days per week, Ms. Angel Hatfield. He reviewed her credentials and qualifications and recommended that he be permitted to hire her on a temporary basis.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the hiring of Angel Hatfield as a part time accountant while the Finance Manager is on leave.

MOTION carried.

B. Road Commission Chloride Program

Supervisor Brennan stated that at the last meeting the Board approved four applications of chloride for the dirt roads in the township. He further stated that he has reviewed the program further and found that the County is offering a brine solution for the application, which is less expensive than the chloride.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the Supervisor to contract with the Road Commission of Macomb County for four applications of the Brine Solution, two from the Road Commission and two purchased by the township at five thousand five hundred sixty three dollars and thirty five cents (\$5,563.35) each.

MOTION carried.

- 30. Clerk's Comments:
 - A. Fagle Scout Resolution Stephen G. Ouvry

Clerk KOEHS proposed the following resolution:

Resolution Honoring Eagle Scout Stephen G. Ouvry

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan held in the Township Hall in said

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township on the 10th day of May, 2006 at 7:00 PM the following preamble and resolution were offered by member Krzeminski and supported by member Dunn.

Whereas, Stephen G. Ouvry started his scouting career with Pack 149 during which time he received his Arrow of Light; and,

Whereas, Stephen G. Ouvry continued his scouting career with Boy Scout Troop 149 where he has distinguished himself by earning thirty two merit badges; and,

Whereas, Stephen G. Ouvry has earned numerous camping awards and served as Senior Patrol Leader and Patrol Guide; and,

Whereas, Stephen G. Ouvry is a student at Dakota High School where he is a member of the Senior Class and by his own actions, achievements and high moral standards has made himself a role model to other scouts and to his peers,

Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, Michigan speaking on behalf of all Macomb Township Citizens as follows:

That By These Presents, the Macomb Township Trustees recognizes the dedication, commitment and personal sacrifices Stephen G. Ouvry has made to obtain the rank of Eagle Scout; and,

Be It Furthers Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Stephen G. Ouvry on his elevation to Eagle Scout and furthers extends its best wishes to Stephen in his future endeavors;

Now Therefore, the Macomb Township Board of Trustees hereby proclaims, Saturday, May 20, 2006 'Stephen G. Ouvry Day' in Macomb Township

MOTION by KRZEMINSKI seconded by DUNN to adopt the resolution and declare Saturday, May 20, 2006 as 'Stephen G. Ouvry Day' in Macomb Township.

AYES: KRZEMINSKI, DUNN, BUCCI, NEVERS, MALBURG, KOEHS,

BRENNAN.

NAYS: NONE

MOTION carried, resolution declared adopted.

31. Treasurer's Comments:

NONE

32. Trustees' Comments:

Trustee DUNN commented that it was nice to see that there were over 1,200 children who attended the opening of the Little League season.

EXECUTIVE SESSION

MOTION by BUCCI seconded by KRZEMINSKI to retire to Executive Session.

MOTION carried. (8:00 p.m.)

The Board returned from Executive Session at 8:31 p.m.

33. Simone B. Mauro v Macomb Township; Appeal of Land Division Denial; Circuit Court Case No. 05-4084-AV. Parcel No. 08-31-300-014.

MOTION by KOEHS seconded by KRZEMINSKI to deny the proposed consent judgment in the matter of Simone B. Mauro v Macomb Township, NO. 05-4084-AV, Permanent Parcel Number 08-31-300-014

MOTION carried.

34. Windmere Consent Judgment Revision

MOTION by KOEHS seconded by MALBURG to approve the revision to the consent judgment regarding the Windmere Condominiums on the east side of Heydenreich Road, north of Hall Road.

MOTION carried.

35. Collective Bargaining Agreement with AFSCME Local 1917

MOTION by KOEHS seconded by DUNN to approve the collective bargaining agreement between the Township of Macomb and Local 1917 of the American Federation of State, County and Municipal Employees.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 8:37 p.m.

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John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC Macomb Township Clerk